

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: June 6, 2003

FROM: KATHLEEN ROLLINGS-McDONALD, Acting Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #3: Request for Waiver of Individual Landowner and Registered Voter Notification Requirement for LAFCO 2885/2886 – Sphere of Influence Amendment for and Annexation to Baldy Mesa Water District (CSA 70 Improvement Zone L)

RECOMMENDATION:

Approve waiver of individual landowner and registered voter notification for LAFCO 2885/2886 and instruct the Acting Executive Officer to provide display ads within newspapers of general circulation within the area and local newspapers.

BACKGROUND:

The Baldy Mesa Water District has submitted applications for the following proposals:

LAFCO 2885 – Sphere of Influence Amendment (Expansion) for Baldy Mesa Water District (CSA 70, Improvement Zone L) and,

LAFCO 2886 – Reorganization to include Annexations to Baldy Mesa Water District and Formation of an Improvement District (CSA 70, Improvement Zone L)

One element of the application package submitted on May 23, 2003, was a request from the District for the Commission to waive the requirement to provide individual notices to registered voters and landowners within the application area and within the ¼ mile surrounding that boundary. The District's rationale for the request is that the cost for providing these notices

is high and the applications have generated considerable media interest within the communities affected. The District is asking that the Commission waive its policy requirement and allow for display ads to be run in newspapers of local distribution as allowed by state law.

Government Code Section 56157 does provide a mechanism for allowing publication rather than individual notices when the number of notices required exceeds 1,000 in either category, landowner or registered voter. The staff has estimated that the number of notices to be required for these applications (processed concurrently) would be in excess of 27,000 (landowners and registered voters). This estimate is based upon the number of connections anticipated for Zone L as referenced in documents submitted (10,810) translated as parcels; the number of registered voters that were within generally the same boundary when incorporation was discussed in 1994 (6,897); and our experience that approximately 50% or greater of the number of parcels within the application are surrounding the area.

According to the Commission's adopted fee schedule, the District would be required to provide a deposit for landowner notification of approximately \$8,000 (50¢ per parcel), and pay the charges in excess of the \$450 deposit for registered voter notice (postage alone estimated at \$3,207). This would be in addition to the \$8,250 deposited for filing fees and environmental review.

The staff supports the District's request for waiver of individual notice for the Commission's consideration of these applications on the basis that these applications have generated substantial media interest even before they were filed. The staff believes that interest will only increase as the applications progress through the process. In addition, the resolution of application submitted (copy attached) indicates that the District wishes to create an improvement district for the area of Zone L upon annexation. That action, on its own, will require that the Commission provide individual notice to landowners of the protest proceeding for the annexation.

For these reasons, the staff recommends that the Commission waive the requirement for individual notice to registered voters and landowners and direct the staff to provide the required display ads in newspapers of general circulation in the area and at least one local newspaper serving the affected communities.

KRM/

Attachments